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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,523	02/09/2007	Peter Cornelis Meininger	077919-0011	3517
1923 7590 10/18/2007 MCDERMOTT, WILL & EMERY LLP 227 WEST MONROE STREET SUITE 4400 CHICAGO, IL 60606-5096			EXAMINER STRIEB, MICHAEL A	
			ART UNIT 4177	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/556,523		MEININGER, PETER CORNELIS	
	<b>Examiner</b>		<b>Art Unit</b>	
		Michael A. Strieb	4177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The use of the trademarks, prevalent throughout the specification, has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Some examples of note are COGNITIVE™ and BLUETOOTH™.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The Examiner recommends the use of generic terminology.

### ***Claim Objections***

2. Claims 1-3, 5, and 10 are objected to because of the following informalities: the use of the phrase "and/or" renders the claim indefinite because the specification fails to show how all combinations are performed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 10, the phrase "for instance" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 10, the phrase "about" renders the claim indefinite because the range of the measurement is unclear. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (US 6,526,158 B1) in view of Walter (US 6,233,399 B1).

Regarding **claim 1**, Goldberg discloses a method for making one or more photographic images, comprising the steps of making a recorded image with a digital camera (column 13, line 42; Figure 2); wirelessly sending the image, immediately after it has been made, to a processing unit for processing of the digital data from the digital camera (column 14, lines 62-67; column 15, lines 1-5); exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data, which issue location is close to or at a predetermined distance from the digital camera (column 15, lines 9-26) wherein a person of whom the image is made can view or order the recorded image (column 15, lines 55-67).

Goldberg does not disclose wherein the person receives a receipt with a code.

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Walter discloses wherein the person receives a receipt with a code (column 3, lines 5-8). Walter discloses the person using this receipt for an analogous purpose to the one described by the applicant.

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Walter with Goldberg. The motivation would have been to more easily identify which group of images is associated with a particular person.

Therefore, it would have been obvious to combine Walter with Goldberg to obtain the invention as disclosed in claim 1.

Regarding **claim 2**, Goldberg in combination with Walter disclose the invention as applied to claim 1 above.

Further, Goldberg discloses that the wireless transmission takes place within a wireless local area network (column 14, lines 66-67; column 15, lines 1-3). The use of a WiFi antenna is inherent in such a network.

Regarding **claim 4**, Goldberg discloses a system for coding a recorded image, comprising a camera for making the recorded image (column 13, line 42; Figure 2); a transmitter/receiver for sending the recorded image (column 14, lines 62-67; column 15, lines 1-3); and a central processing unit for receiving and processing the recorded image and for assigning thereto a code for identification of the image (column 15, lines 9-26).

Goldberg does not disclose a code printer for printing on a receipt the code generated by the processing unit.

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Walter discloses a code printer for printing on a receipt the code generated by the processing unit (column 3, lines 5-8).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Walter with Goldberg. The motivation would have been to more easily identify which group of images is associated with a particular person.

Therefore, it would have been obvious to combine Walter with Goldberg to obtain the invention as disclosed in claim 4.

Regarding **claim 5**, Goldberg in combination with Walter disclose the invention as applied to claim 4 above.

Further, Goldberg discloses that the wireless transmission takes place within a wireless local area network (column 14, lines 66-67; column 15, lines 1-3).

Regarding **claim 6**, Goldberg further discloses a code reader for reading the code on the receipt and displaying the associated image on a screen in response to the read code (column 15, lines 40-55).

Regarding **claim 7**, Goldberg further discloses a printing means for printing the recorded image associated with the code (column 15, line 56).

Regarding **claim 8**, the Examiner interprets the phrase "in the order of magnitude of about 3 km" to mean about in the range of .3 km to 30 km. As such, Goldberg further discloses wherein the camera, processing unit, and code printer communicate wirelessly with each other (column 15, lines 2-3) over said range (column 12, lines 47-48) Goldberg states that the elements are located "at multiple fixed locations within the

entertainment venue" column 14 lines 9-11, 51-53) and further specifies that such venue can include "theme and amusement parks, ski slopes, beaches" (column 2, lines 40-41). Such ranges as disclosed in claim 8 are inherent in such venues.

Regarding **claim 9**, Walter allows for the use of a code printer (Figure 1), whereas Goldberg allows for wireless communication with the printer (column 15, lines 2-3). Goldberg also discloses that the digital camera may be in close proximity to the identification device (column 12, lines 47-48).

Regarding **claim 10**, Goldberg discloses a method for obtaining one or more photographic images for use by a person at a ski resort (column 2, lines 40-41), the method comprising of making a recorded image with a digital camera (column 13, line 42; Figure 2); sending the image via a cable, immediately after it has been made, to a processing unit for processing of the digital data from the digital camera (column 6, lines 50-53); exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data, which issue location is close to or at a predetermined distance from the digital camera (column 15, lines 9-26), wherein the person of whom an image is made can view or order the recorded image (column 15, lines 55-67).

Goldberg does not disclose wherein the person receives a receipt with a code.

Walter discloses wherein the person receives a receipt with a code (column 3, lines 5-8). Walter discloses the person using this receipt for an analogous purpose to the one described by the applicant.



At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Walter with Goldberg. The motivation would have been to more easily identify which group of images is associated with a particular person.

Therefore, it would have been obvious to combine Walter with Goldberg to obtain the invention as disclosed in claim 10.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (US 6,526,158 B1) in view of Walter (US 6,233,399 B1) as applied to claim 1 above, and further in view of Adair et al (US 2002/0067408).

Regarding **claim 3**, Goldberg in view of Walter discloses all of the limitations of the invention as applied to claim 1 above.

Goldberg in view of Walter does not disclose wherein the digital camera or printing unit are connected to a PDA which is also provided with means for wireless communication.

Adair et al disclose wherein the digital camera is connected to a PDA which is also provided with means for wireless communication (paragraphs 18-19).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Adair et al with Goldberg and Walter. The motivation for doing so would have been to provide greater mobility and flexibility in taking and processing images.



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Therefore, it would have been obvious to combine Adair et al with Goldberg and Walter to obtain the invention as disclosed in claim 3.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Weston et al (US 2002/0008622 A1) "System for automated photo capture and retrieval"

Kaku (US 2002/0049728 A1) "Image distributing system"

Evans et al (US 5,694,514) "System and method for creating personalized image collections from multiple locations by using a communication network"

Squilla et al (US 2002/0030745 A1) "Photographic system for enabling interactive communication between a camera and an attraction site"

Shen (US 2002/0077938 A1) "Method and system for the automated exchange of merchandise"

Hirata et al (US 2002/0095477 A1) "Data distribution system, data distribution apparatus, and data distribution method"

Walker (US 6,490,409 B1) "System and method for making a personal photographic collection"

8. Any response to this office action should be faxed to (571) 273-8300 or mailed to:

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Hand - delivered responses should be brought to:

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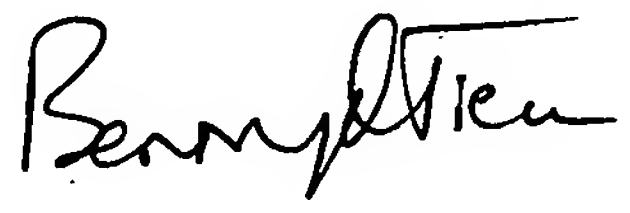
401 Dulany Street

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Strieb whose telephone number is 571-270-3528. The examiner can normally be reached on Monday-Friday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

  
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SPE/TRAINER